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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,023	02/28/2002	Thomas H. Zimmerman	22.1468	2691
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SCHLUMBERGER RESERVOIR COMPLETIONS 14910 AIRLINE ROAD P.O. BOX 1590 ROSHARON, TX 77583-1590			EXAMINER DANG, HUNG Q	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,023

Applicant(s)

ZIMMERMAN, THOMAS H.

Examiner

Hung Q Dang

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☒ Claim(s) 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 45 and 46 are objected to because of the following informalities: the word "delete" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 10-15, 19-27, 30, 39-42, 44-46, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Safinya et al. U.S. Patent 4,839,644.

Regarding claims 1, 10, 12, 13 and 39, Safinya et al. teaches a system for use in a well, comprising at least one wireless network device (column 5 lines 40-57; subsystem 145 is a network device) in the well (Figure 1, unit 115).

Regarding claims 2, 40 and 50, Safinya et al. also teaches a plurality of wireless network devices (column 3 lines 42-45; the downhole transmitter/receiver and antenna are network devices) in the well.

Regarding claim 3, the system disclosed by Safinya et al. also comprises an interlink wireless network device (Figure 4, unit 161) positioned proximal the surface of

the well; and a communication line interconnecting the interlink wireless network device to a surface controller (Figure 4, unit 450).

Regarding claims 4 and 41, the wireless network device disclosed by Safinya et al. also communicates with a downhole device (Figure 2, unit 210).

Regarding claim 5, the downhole device disclosed by Safinya et al. also includes gauges (Figure 2, unit 211-214).

Regarding claims 6, 7 and 42, the wireless network device disclosed by Safinya et al. is also in communication with a power source (Figure 2, unit 260), which is a battery.

Regarding claims 11, 14, 15, 44-46 and 51, Safinya et al. also teaches a wireless network device outside the well adapted to communicate with at least one wireless network device in the wellhead (Figure 4).

Regarding claims 19, 21-23, 25, 26 and 30, Safinya et al. also teaches a first wireless network device (Figure 4 unit 495) positioned outside a casing in the well; a second wireless network device (Figure 1, unit 145) positioned inside the casing of the well; the first wireless network device and the second wireless network device adapted to communicate with one another.

Regarding claims 20 and 24, Safinya et al. also teaches a memory device (Figure 4, processor 450 inherently contains memory) communicating with the first wireless network device.

Regarding claim 27, the tool disclosed by Safinya et al. also contains memory (Figure 2 or column 6 lines 41-60).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 8, 9, 16-19, 23, 28-30, 34-39, 43 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Tubel et al. U.S. Patent 6,192,980.

Regarding claims 1, 30, 39 and 47, Tubel et al. teaches a system for use in a well comprising at least one wireless network device (Figure 2, unit 22 and column 9 lines 45-51) in the well.

Regarding claims 8 and 43, Tubel et al. also teaches at least one wireless network device positioned at a lateral branch of a multilateral well (Figure 2, unit 22 is a wireless network device).

Regarding claims 9 and 23, Tubel et al. also teaches a first wireless network device (Figure 2, unit 22) positioned in a lateral branch of a multilateral well; a second wireless network device (Figure 1, unit 24) positioned outside the lateral branch in the well; the first wireless network device and the second wireless network device positioned within range of one another.

Regarding claim 16, Tubel et al. also teaches at least one secondary communication system (Figure 1, unit 10 or unit 52 and column 13 lines 13-24) in communication with the at least one wireless network device.

Regarding claim 17, the secondary communication system disclosed by Tubel et al. is a satellite system (column 13 lines 20-24).

Regarding claim 18, the secondary communication system disclosed by Tubel et al. also provides communication between the at least one wireless network device and a location selected from a remote land-based location and an offshore surface location (the communication system 10 shown in Figure 1 is an offshore surface location).

Regarding claims 28 and 29, Tubel et al. also teaches at least a portion of the tubing extends through a casing in the well; a third wireless network device (see Figure 2, there are three wireless network devices 22) positioned inside the casing of the well; the first wireless network device, the second wireless network device, and the third wireless network device are adapted to communicate with one another.

Claim 19 is rejected for the same reasons as claim 28.

Regarding claims 34, 36, 37 and 49, Tubel et al. also teaches at least one wireless network device in the well located at a predetermined position as already discussed above. Tubel et al. also teaches an actuation circuitry in the tool adapted to detect a signal from the connected wireless network device to actuate the tool (column 23, lines 60-63).

Regarding claim 35, Tubel et al. also teaches an actuation circuitry to command a perforating gun (column 17, lines 5-25).

Regarding claim 38, Tubel et al. also teaches an actuating command to a recorder (column 15 lines 27-36).

6. Claims 52-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings U.S. Patent 5,172,112.

Regarding claim 52, Jennings teaches a subsea networking system (abstract) comprising:

A wireless network device positioned in a subsea structure (the device shown in figure 2); and a subsea vehicle (Figure 3, unit 19 and column 2 lines 29-33) having a wireless network device therein that is adapted to communicate with the wireless network device positioned in the subsea structure.

Regarding claim 53, the subsea structure disclosed by Jennings is also a wellhead (column 2 lines 19-28).

Regarding claim 54, the subsea vehicle disclosed by Jennings is also an ROV (column 2 lines 29-33).

Claim 55 is rejected for the same reasons as claim 52.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 31-33 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safinya et al. U.S. Patent 4,839,644 in view of MacLeod U.S. Patent 4,578,675.

Regarding claims 31-33 and 48, Safinya et al. teaches a system as claimed in claim 30, however, Safinya et al. does not teach a depth correlation circuitry that is adapted to detect a signal from the wireless network device to determine the depth of the tool in the well.

Tabanou et al., in the same field of endeavor, teaches a system for use in a well, which includes a depth measuring device for determining the depth of the tool in the well (column 14, lines 53-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a depth correlation circuitry that is adapted to detect a signal from the wireless network device to determine the depth of the tool in the well disclosed by Safinya et al., as evidenced by Tabanou et al, in order to determine the depth of the tool in the well.

Allowable Subject Matter

9. Claim 56 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 56, the prior arts of record fail to teach or disclose a subsea telemetry system as claimed in claim 55, which further comprises a guidance circuitry of

Art Unit: 2635

the subsea vehicle in communication with the wireless network device of the subsea vehicle, the guidance circuitry adapted to determine the relative position of the subsea vehicle based upon input from the interconnected wireless network device.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

